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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION

-and-

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors

- ☐ Affects PG& E Corporation
- ☐ Affects Pacific Gas and Electric Company
- ☒ Affects both Debtors

**All papers shall be filed in the Lead Case,
No. 19-30088 (DM)*

Case No. 19-30088 (DM)

Chapter 11

(Lead Case)

(Jointly Administered)

**DECLARATION OF MICHAEL A.
KELLY IN SUPPORT OF MOTION OF
THE OFFICIAL COMMITTEE OF
TORT CLAIMANTS FOR RELIEF
FROM AUTOMATIC STAY TO
PERMIT STATE COURT JURY TRIAL
OF 2017 TUBBS WILDFIRE CLAIMS**

Date: July 23, 2019

Time: 9:30 a.m. (Pacific Time)

Place: United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

1 I, Michael A. Kelly, declare the following under penalty of perjury pursuant to 28 U.S.C.
2 section 1746:

3 1. I submit this Declaration in support of the Motion of the Official Committee of Tort
4 Claimants for Relief from Stay to Permit State Court Jury Trial of a 2017 Tubbs Wildfire Claims
5 (“**Motion**”). I have personal knowledge of the facts set forth in this declaration.

6 2. I am a member of the State Bar of California and a partner in the law firm of Walkup,
7 Melodia, Kelly & Schoenberger.

8 3. After the 2017 North Bay fires occurred, individual victims filed personal injury,
9 wrongful death, and property damage civil actions for damages suffered in or by reason of the fires
10 against Pacific Gas & Electric Company (“**PG&E**”) in Sonoma and Napa Counties. The litigation
11 was eventually coordinated in a Judicial Council Coordination Proceeding entitled California North
12 Bay Fire Cases, JCCP No. 4995, in the Superior Court of California for the County of San
13 Francisco.

14 4. The judge assigned to the California North Bay Fire Cases, Judge Curtis Karnow,
15 entered Case Management Order No.1, dated March 6, 2018, attached hereto as **Exhibit A**, which
16 appointed me and Frank Pitre as two of the three co-lead counsel in the litigation and an Executive
17 Committee leadership team of lawyers representing the individual plaintiffs.

18 5. Co-lead counsel Frank Pitre and I, in consultation with the leadership team, have
19 identified the individual plaintiffs identified on Exhibit A to the Motion as plaintiffs whose personal
20 injury and related property damage claims are entitled to preference for early trial settings pursuant
21 to Code of Civil Procedure (“**CCP**”) section 36 within 120 days of the order determining the cases
22 are entitled to preference; the claims can be ready for trial within the 120 day preference period;
23 and have agreed to request the Court in the North Bay Fire Cases, JCCP No. 4995, to set one or
24 more of these plaintiffs’ personal injury and property damage cases for an immediate trial pursuant
25 to CCP section 36, subject to the Bankruptcy Court terminating the automatic stay and abstaining
26 over the adjudication of such claims in favor of jury trials of the claims in the California Superior
27 Court.

1 6. The individual Plaintiffs identified on Exhibit A to the Motion have all agreed to try
2 their claims now pursuant to CCP section 36. These Plaintiffs qualify for a preferential trial setting
3 by reason of age or infirmity thereby permitting the court to set a trial within 120 days of the
4 preference order as stated in section 36. The Master Complaint that sets forth the individual
5 Plaintiffs' claims in the North Bay Fire Cases, JCCP 4995, is attached as Exhibit B to the Motion.
6 Four of the eight individual Plaintiffs' short form complaints adopting the Master Complaint are
7 attached collectively as Exhibit C to the Motion; and, the remaining four individual Plaintiffs assert
8 personal injury and related property damage claims against PG&E that are within the Master
9 Complaint and that can be adopted in a short form complaint filed by those two additional
10 individual Plaintiffs upon the Bankruptcy Court granting relief from stay to do so.

11 7. The Plaintiffs identified in Exhibit A to the Motion have not filed claims in the
12 bankruptcy case. They are California residents, they have been California residents, and will
13 continue to be California residents. PG&E is also a California resident.

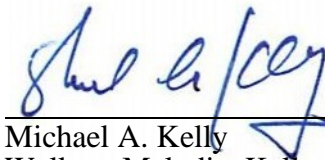
14 8. Attached hereto as **Exhibit B** is a true and correct copy of the Superior Court's Case
15 Management Order No. 4 in the North Bay Fire Cases, JCCP 4955.

16 *[remainder of page intentionally left blank]*
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1 9. Attached hereto as **Exhibit C** is a true and correct copy of the transcript of the
2 hearing in North Bay Fire Cases, JCCP No. 4995. Page 16 of the transcript records PG&E counsel
3 Kevin Orsini's explanation that the Tubbs Fire claims were "two-thirds of the potential liabilities,
4 that one has the highest probability of getting all the others tied up in a global resolution. . . . we
5 set the Tubbs trial first for precisely that reason." Pages 42 and 43 of the transcript record PG&E's
6 counsel's explanation that "from PG&E's perspective, facing the specter of all these many cases
7 with all of these different fires, we can't figure out how to resolve these until we have some
8 visibility into what the resolution is going to be of the Tubbs case."

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Executed on July 1, 2019.

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